

REGULAR MONTHLY MEETING OF THE STEPHENS CITY TOWN COUNCIL
TUESDAY, June 2, 2009
7:30 p.m.

Mayor Ray Ewing called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance.

Council member Bowers gave the invocation.

Roll call showed the following present:

Vice Mayor Joy Shull, Council member Ronald Bowers; Council member Linden A. Fravel, Jr., Council member Michael Grim, Council member James Harter, Council member Joseph Hollis.

Staff present: Brian Henshaw, Town Planner; David Griffin, Town Attorney; Kathy Monk, Town Treasurer; Dianne MacMillan, Town Clerk; Tim Stowe, Town Engineer

Press: J.R. Williams, Northern Virginia Daily; Rob Snyder, Winchester Star

Guests: Bill Dodson, Shawn Deladurantaye, John Sours, Ron Mislowsky, Clay Athey
(13 total spectators)

AGENDA

Mayor Ewing asked that the Agenda be approved. Vice Mayor Shull moved to adopt the agenda and the motion passed.

PUBLIC COMMENTS

Bill Dodson, 5148 Main Street, addressed Council with commendations for David Denny and the other public works personnel for the fantastic job of preparing the town for the Newtown Heritage Festival in spite of the preceding weeks of rain.

Mayor Ewing thanked Mr. Dodson and said he would pass that comment along to public works.

PUBLIC HEARINGS

A. Amendment to Zoning Ordinance – Amended Zoning Map

Brian Henshaw, Town Planner, explained that this was simply a housekeeping matter involving updating the official zoning map as a part of the Zoning Ordinance. He added that it was reviewed at the last meeting and approved for wording and intent by Council at that time.

Mayor Ewing opened the public hearing and asked for comments or questions. There being none, the public hearing was closed.

B. Special Use Permit Request – Home Occupation at 5286 Main Street

Mr. Henshaw stated that he had provided a copy of the application and report for review to Council. He said the special use permit was needed because the applicant wanted to operate a home occupation in the RO District. He explained that the office would be used for general office operations and any foot traffic would be very minimal.

The applicant Shawn Deladurantaye, said she would be booking bands and use the office in the house only for this purpose. She added that the only foot traffic would be caused by clients picking up promo packs once in a while.

Mayor Ewing opened the public hearing and asked if there was anyone to speak for or against the special use permit. There being none, the public hearing was closed.

MINUTES – May 5, 2009 Regular Meeting

Council member Harter moved for approval of the minutes of May 5, 2009 as presented and the motion carried by the following vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

TREASURER'S REPORT

The Mayor asked for questions or comments in the matter of fund balances and there were none. The Treasurer's report was accepted as presented.

POLICE REPORT

The Mayor asked for questions or comments regarding the police report and there were none. The Police report was accepted as presented.

ACTION AGENDA

A. Adoption of 2009-2010 FY Budget and CIP - Ordinance

Mayor Ewing asked the chairman of the Finance Committee for any comments. Council member Hollis, Chair of said committee, said the budget and CIP had been discussed at length at the last meeting.

Council member Hollis moved that the Council of the Town of Stephens City adopt the 2009-2010 Budget/CIP and appropriate funds for fiscal year 2009-2010.

The motion was passed with the following recorded vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Councilmember Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

B. Adoption of Amendment to Zoning Ordinance – Zoning Map

Mayor Ewing called for a motion regarding the amended Zoning Map as a part of the Town Zoning Ordinance.

Council member Fravel moved that the Council of the Town of Stephens City approve an ordinance to adopt a revised and updated Zoning Map to demonstrate the pictorial locations and designations of all of the Town's current zoning areas, classifications and properties as part of the Town's Zoning Ordinance. The motion passed with the following recorded vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Councilmember Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

C. Special Use Permit – 5286 Main Street – Home Occupation

Mayor Ewing asked for a motion on the request for special use permit for a home occupation. Council member Grim moved that the application for special use permit for 5286 Main Street be approved by Council. The motion passed with the following recorded vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Councilmember Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

D. Rezoning Request – BHL Investment LLC (Davis)

Mayor Ewing introduced the rezoning request of BHL Investment LLC. Mr. Henshaw, Town Planner, called the members' attention to the fact that in that past months there had been a couple of redrafts of the request. He said that he would address both rezoning applications together. He added that there had been changes in proffers and would answer any questions regarding the proffer changes. He also noted that the applicant was present to answer any questions. Mr. Henshaw added that he had received comments from Frederick County at 4:45 p.m. He said the County was notified last month of the public hearing and with such a short notice it was difficult to address their concerns at this time. He stated that this process had been going on for two years and everyone had been given many opportunities to send comments. He said that he understood their concerns but it was within the purview of the town to take action. Mayor Ewing said that this wasn't their first opportunity to respond and they had responded in the past on a timely basis. He asked Mr. Henshaw to briefly review the proffer revisions. Mr. Henshaw noted that one change would require the applicant to make application for a minimum of **ten** zoning permits per year on a cumulative basis once the initial residential permit was issued. This would insure a minimum cash flow generated by off-site sewer proffer to aid in paying the costs associated with any improvements made by Stephens City to the existing Town sewer system. (See proffer statement copy)

Mayor Ewing asked for any questions from council or the applicant. There were none.

Council member Hollis moved that the Council of the Town of Stephens City approve the Davis Property application, further identified as tax parcel 74-A-79 and 74-A02-A-1 to be rezoned from R-1 and R-2 to R-3 with the Newtown Development District overlay because it meets Goal 2, Objective 2.1 which states that the Town should maintain a balanced, mixed-use community with a variety of opportunities for housing, shopping and employment. Furthermore, the proposed rezoning also complies with Goal 2, Objective 2.1.6 which states that the Town should encourage the development of senior housing within the Town through zoning and development regulations. The motion passed with the following recorded vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Councilmember Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

E. Rezoning Request – Newtown Village LLC

Mr. Henshaw said a lot of the changes were similar and the same proffer changes similar. The applicant would make application of a minimum of **fifteen** zoning permits per year on a cumulative basis once the initial residential permit was issued. This would insure a minimum

cash flow generated by offsite sewer proffer to aid in paying the costs associated with any improvements to the existing Town sewer system. (See proffer statement copy)

Council member Hollis moved that the Council of the Town of Stephens City approve the Russell-Stephens City Rezoning application, further identified as tax parcel 74-A-77, 77A and 74-2-2 to be rezoned from R-1 and R-2 to R-3 and I-1 with the Newtown Development District overlay because it meets Goal 2, Objective 2.1 which states that the Town should maintain a balanced, mixed-use community with a variety of opportunities for housing, shopping and employment. Furthermore, the proposed rezoning also complies with Goal 3, Objective 3.5.1 which includes a preferred transportation plan as part of the greater Stephens City area plan. The motion passed with the following recorded vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Councilmember Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

F. Resolution of Appreciation – Sherando High School Advanced Drawing Class

Mayor Ewing introduced the Resolution. Mr. Henshaw said this was a fun side project to take some of the talent of the local high school artists and give them a real world project to work on. He said he contacted Ms. Paulette Shields director of the art department at Sherando. He said he wrote descriptions based on pictures of locations around town as well as a future vision of the town using examples from other localities. He said he asked them to use their creativity to provide a vision of what a location in the town would look like that could be utilized in future comp plans. He said he felt it was important to recognize the art class for their work. Council member Fravel asked if he had gotten permission to use the intellectual property of the students. Mr. Henshaw said he had not but would address this in the future

Vice Mayor Shull moved to adopt the Resolution of Appreciation (copy attached). The motion passed with the following recorded vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Councilmember Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

COMMITTEE REPORTS

A. Finance Committee – Joseph Hollis, Chair

Council member Hollis reported that the committee reviewed RFP's for the annual audit for the town, met with several firms and the committee recommended that Council choose Anderson, White and Company.

Council member Hollis moved that Council select Anderson White and Company to serve as auditors for the Town of Stephens City for three years for fiscal years ending June 30, 2009, 2010 and 2011 and authorize the Mayor or Town Manager to sign a letter of engagement for the services. The motion passed with following vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Councilmember Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

B. Water/Sewer Committee – Joy Shull, Chair

Vice Mayor Shull said she distributed information from Tim Stowe on Phase I of the sewer upgrade study. Mr. Stowe was present to answer any questions. Mr. Stowe reported that this was a progress report and he anticipated that sometime within the next thirty days he should complete sewer study for all of the town. He said he would make a presentation soon on priorities that will be established by the water/sewer committee and the costs associated with those priorities.

C. Public Works Committee – Michael Grim, Chair

Council member Grim reported that the committee met and discussed the damaged railing on Main Street and the need to reevaluate the old school for insurance purposes. He added that Mr. Kehoe would be getting estimates for the railing and information on the school.

PLANNER'S REPORT – Brian Henshaw

Mr. Henshaw reported that the Business Association set a date for the first Annual Business Expo to be held on the Commons on Saturday, September 26 with Sunday, September 27 as a rain date. He said there would be several events including a chili cook-off.

Mr. Henshaw said that for the first time in a long time, there would be a BZA meeting but no date had been set yet. The Mayor asked if the BZA should meet annually. Mr. Griffin, Town Attorney said the Board was supposed to have an organizational meeting after each appointment but the court had made a mistake in the date of one appointment and no vacancy existed this year.

Mr. Henshaw reported that the main street restriping project was continuing. He said as soon as possible he would contact painting companies to get a rough estimate of costs and bring them to council for consideration.

Council member Hollis asked for an update on the North Main Street sidewalk project. Mr. Henshaw reported that the town was going to use Tim Stowe as the engineer but because of his relationship to the town, reimbursement would not be allowed for design and engineering. He said he would have to advertise RFPs which would have to conform to VDOT specs. Mr. Henshaw said that grants were a good source of money but there were many requirements to be met throughout the process.

COUNCIL COMMENTS/CALENDAR

Mayor said the BZA meeting will be added to the calendar when scheduled.

There being no further business, Council member Grim moved to adjourn at 8:05 p.m. and the motion carried.

Ray E. Ewing, Mayor Ray Ewing

Dianne L. MacMillan, CMC, Town Clerk